

REMARKS/ARGUMENTS

The Office Action mailed June 13, 2003, and the references cited therein have been carefully reviewed in light of the Examiner's helpful comments and suggestions.

As a result of the Office Action, claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Korb. These references have been carefully reviewed but are not believed to show or suggest Applicant's invention in any manner. Reconsideration and allowance of the claim 1 is therefore respectfully requested in view of the following remarks.

According to MPEP 2143.03, to establish *prima facie* obviousness claimed invention, all the claim limitations must be taught or suggested by the prior art. Method claim 1 requires, among other elements, the following steps: to preliminarily shearing or punching the side member at a first depth (d) from a side surface of the side member, then preliminarily shearing or punching the cross member at the same first depth (d) but from the side surface of the cross member, and then secondarily shearing the side member at a second depth (D) from the side surface of the side member, and the cross member at the second depth (D) from the side surface of the side member, wherein the first depth (d) is less than the second depth (D). The preliminary shears create a profile identical to the final bar notch and the cross member notch.

The Examiner asserts that Poulsen discloses "the

invention including producing a bar notch (8) in the side of a side member (22) and a cross member notch (8) at the end of a cross member (22), punching the side member at a first depth (Fig. 1) from a side surface of the side member to produce a bar notch (8), that the bar notch includes two equally long, oblique sides (18 and 14), punching the cross member at a first depth from a side surface of the cross member (22), that the cross member notch has a plane end (16) and two inclined sides (18, 18), and secondarily shearing of the side member at a second depth (2) that the second depth is larger than the first depth (Fig. 1)" *Office Action*, page 2. As will be explained in greater detail hereinbelow, Applicant respectfully submits that the prior art combination fails to teach or disclose the method steps required by claim 1.

First, neither Poulson nor Korb, teaches or discloses creating a cross member notch in a cross member and creating a side member notch in a side member by first, preliminarily shearing or punching the cross member and the side member at a first depth (d) and second, shearing or punching the cross member and the side member at a second depth (D), wherein the first depth (d) is less than the second depth (D).

Second, Poulson does not teach or suggest producing a cross member bar notch (8), as the Examiner asserts. Reference numeral (8) refers to a V-shaped notch in the support table 4 for allowing the knives to move downwardly inside the edges of the V-shaped notch (8). (Col. 3, lines 38-41; col. 4, lines 3-5). The V-shaped notch (8) is not

created by a shearing or punching operation and, in fact, it is a pre-existing notch on the support table, which is neither the cross member nor the side member.

Third, the Examiner asserts that the "bar notch includes two equally long, oblique sides (18 and 14), punching the cross member at a first depth from a side surface of the cross member (22), that the cross member notch has a plane end (16) and two inclined sides (18 and 18)." Applicant respectfully disagrees with this assertion. The reference numeral (14) refers to a knife, and reference numeral (18) refers to the cutting edge of that knife (14). These elements are neither related to the cross member notch or the side member notch, nor to a method of creating those notches by preliminarily shearing or punching the cross member or the side member.

Korb does not address the shortcomings of the Poulsen reference stated hereinabove. Therefore, it is respectfully submitted that claim 1 is patentable over the prior art.

Each issue raised in the Office Action mailed June 13, 2003, has been addressed and it is believed that claim 1 is now in condition for allowance. Wherefore, Applicant respectfully requests a timely Notice of Allowance be issued in this case.

Respectfully submitted,
DENNISON, SCHULTZ & DOUGHERTY

By: 

Amir H. Behnia
Reg. No. 50,215
(703) 412-1155 Ext. 16